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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUN 14 2004

FCC - MAILROOM

In the Matter of) WT Docket No. 04-140
)
Amendment of Part 97 of the Commission's Rules)
Governing the Amateur Radio Service)
)

TO: The Commission

COMMENTS OF THE NATIONAL CONFERENCE OF VECs

I. Introduction:

These comments are filed on behalf of the National Conference of Volunteer Examiner Coordinators (NCVEC). Volunteer Examiner Coordinators (VECs) act as the administrative liaison (or coordinator) between the Federal Communications Commission who issue station/operator licenses to Amateur Service applicants and the volunteer examiners (VEs) who prepare and administer the required license examinations in the Amateur Service.

In the interest of efficiency, the FCC directs the Amateur Service license examination program through fourteen VEC organizations. Only VEC-accredited amateurs having a higher class license than an examinee may serve as volunteer examiners. There are approximately 35,000 accredited volunteer examiners in the VEC System. VEs form into examining teams and are usually managed by a session manager who acts as their team's contact to the VEC.

After the examination session is over, each VE team forwards the examination results to their VEC. After review, the VEC electronically submits the application data to the Commission. The FCC then grants the license, posts the information to their online database and mails the appropriate license to the applicant. VEs currently administer four different Amateur Service license examinations; three written and one telegraphy examination. The VEC System administers approximately 100,000 examination elements annually.

The duties of a VEC consists of recruiting and accrediting volunteer examiners, issuing accreditation documents, coordinating examination sessions with VEs, informing VEs of changes to the examination process, providing examination materials and necessary forms, collecting and archiving examination paperwork, preparing and maintaining records of all test sessions and screening, approving and electronically forwarding the successful applications for amateur station/operator licenses to the Commission. Through its Question Pool Committee (QPC) the VECs evaluate, develop, maintain and revise the pools of examination questions.

The VEC System was formed in the early 1980's after Congress enacted legislation which allowed the Federal Communications Commission to accept the volunteer services of amateur radio operators to prepare and administer Amateur Service license examinations.

Over the past twenty years, more than one million applicants for Amateur Service licenses have been examined by the VEC System at essentially no cost to the government or the taxpayer. The work of the VEs and VECs is financed through relatively small fees paid by the examinees. The VECs meet with FCC officials each summer at their annual conference during which topics of common interest to the examining community are discussed.

II. WT Docket No. 04-140:

These comments address the Federal Communications Commission's (FCC) "omnibus" *Notice of Proposed Rule Making and Order*¹ (NPRM) which seeks comments on a wide range of proposed Amateur Service (Part 97) rule changes. The NPRM is a result of a dozen petitions for rule making, some filed as much as three years ago. We will comment only on issues that impact the volunteer examining community or matters on which the NCVEC has previously taken a position.

III. ARRL Petition, RM-10413.

On March 22, 2002, the American Radio Relay League (ARRL) submitted a *Petition for Rulemaking*² (RM-10413) seeking to re-deploy some high frequency (HF) band segments set aside for Novice and Technician Plus class licensees. Their "refarming" petition was premised on the belief that the Novice/Technician Plus CW subbands are underutilized and should be redistributed as voice spectrum to other license classes in a manner that alleviates overcrowding in the remainder of the HF bands. This petition is one of the twelve addressed in WT Docket 04-140.

On January 27, 2004, ARRL submitted another *Petition for Rulemaking*³ (RM-10867) proposing a new entry-level Amateur Radio license that would include HF phone privileges without requiring a Morse code test. ARRL states their new entry-level plan is in response to changes made in Article 25 of the international Radio Regulations at World Radiocommunication Conference 2003. RM-10867 is one of an additional eighteen WRC-03 petitions which the FCC said it would consider in a separate proceeding.

ARRL adds that it "...assumes the adoption of the ARRL's proposal in RM-10413" and that "...nothing in this instant Petition would supersede or render impractical any portion of the RM-10413 Petition..." Even though RM-10867 was not addressed as part of WT Docket No. 04-140, it proposes the same frequency restructuring as RM-10413. It thus appears that RM-10413 and RM-10867 are similar in this respect.

¹ WT Docket No. 04-140, FCC 094-72, adopted March 31, 2004, released April 15, 2005.

² See RM-10413, filed March 22, 2002 by ARRL, acknowledged by FCC on March 22, 2002.

³ See RM-10867, filed January 27, 2004 by ARRL, acknowledged by FCC on March 18, 2004.

On March 1, 2004, the NCVEC filed a *Petition for Rulemaking*⁴ (RM-10870) also seeking to establish a new entry-level license called the Communicator Class and redistribution of some HF frequencies to General and Amateur Extra Class licensees. The NCVEC petition is thus somewhat similar to ARRL's RM-10867 which incorporated the frequency "refarming" proposal of RM-10413.

The NCVEC propose the same HF/VHF/UHF bands for the entry level class as the ARRL and both petitions grant more privileges to all classes. The VECs' (in RM-10870) proposed wider voice subbands and less exclusive CW/digital subbands than does ARRL's RM-10413 (and RM-10867). Due to frequency reusability (especially in periods of low sunspot activity), the NCVEC petition also places more emphasis on the use of the 15 and 10 meter bands for entry level voice operation than does ARRL.

The VECs (in RM-10870) proposed an additional 50 kHz of 80 meter voice spectrum over the ARRL's proposal in RM-10413 and 25 kHz more 40 meter voice spectrum for both the General and Extra Class. At 15 meters, the NCVEC envisions that the General Class would get an additional 75 kHz of voice spectrum; Extra Class an additional 50 kHz.

Even though ARRL's RM-10867 is not technically considered a part of WT Docket 04-140, it clearly proposes the same frequency restructuring as previously put forth in their RM-10413 petition. The NCVEC also notes the following sentences in the NPRM⁵: "Because the ARRL petition addresses the operating privileges of all classes of licensees on these Amateur Service bands, we believe that the ARRL petition provides a basis for a comprehensive restructuring of operating privileges. We note that, as proposed, no licensees would lose any spectrum privileges and that General, Advanced, and Amateur Extra Class licensees would gain spectrum for phone emissions, one of the most popular operating modes on the HF bands."

It thus appears that the Commission intends to consider restructuring of the Amateur Service and the transferral of exclusive CW/data subbands to voice spectrum as part of WT Docket No. 04-140 rather than wait until it considers the eighteen remaining WRC-2003 *Petitions for Rulemaking*. We are concerned that if ARRL's "refarming" proposal is adopted, that the NCVEC's voice/CW spectrum proposal as put forth in its RM-10870 will not be considered since the FCC will have already taken action on this issue.

On that basis, we request that the FCC consider the NCVEC's proposed entry level frequencies and wider voice subbands for the General and Amateur Extra Class as proposed in RM-10870 now rather than wait until the WRC-03 petitions are addressed.

The following chart shows a comparison between the HF frequency redistribution proposed in ARRL's RM-10413/RM-10867 and NCVEC's RM-10870:

⁴ See RM-10870, filed March 1, 2004, by NCVEC, acknowledged by FCC on March 4, 2004.

⁵ See WT Docket No. 04-140, paragraph 11.

Band	Class (Exclusive)	Current Band	ARRL RM-10413	NCVEC RM-10870
80M	Extra-CW/Data	3.500-3.750 MHz	3.500-3.725 MHz -25 kHz	3.500-3.675 MHz -75 kHz
	Extra-Phone	3.750-4.000	3.725-4.000 +25	3.675-4.000 +75
	General-CW/Data	3.525-3.725	3.525-3.725 +0	3.525-3.725 +0
	General-Phone	3.850-4.000	3.800-4.000 +50	3.750-4.000 +100
	Novice-CW/Data	3.675-3.725	3.550-3.700 +100	3.550-3.675 +75
	Novice-Phone	None	3.900-4.000 +100	3.950-4.000 +50
40M	Extra-CW/Data	7.000-7.150	7.000-7.125 -25	7.000-7.100 -50
	Extra-Phone	7.150-7.300	7.125-7.300 +25	7.100-7.300 +50
	General-CW/Data	7.025-7.150	7.025-7.125 -25	7.025-7.125 -25
	General-Phone	7.225-7.300	7.175-7.300 +50	7.150-7.300 +75
	Novice-CW/Data	7.100-7.150	7.050-7.125 +25	7.050-7.150 +50
	Novice-Phone	None	7.200-7.300 +100	7.250-7.300 +50
15M	Extra-CW/Data	21.000-21.200	21.000-21.200 +0	21.000-21.150 -50
	Extra-Phone	21.200-21.450	21.200-21.450 +0	21.150-21.450 +50
	General-CW/Data	21.025-21.200	21.025-21.200 +0	21.025-21.200 +0
	General-Phone	21.300-21.450	21.275-21.450 +25	21.200-21.450 +100
	Novice-CW/Data	21.100-21.200	21.050-21.200 +50	21.050-21.150 +0
	Novice-Phone	None	21.350-21.450 +100	21.350-21.450 +100
10M	Extra-CW/Data	28.000-28.300	28.000-28.300 +0	28.000-28.300 +0
	Extra-Phone	28.300-29.700	28.300-29.700 +0	28.300-29.700 +0
	General-CW/Data	28.000-28.300	28.000-28.300 +0	28.000-28.300 +0
	General-Phone	28.300-29.700	28.300-29.700 +0	28.300-29.700 +0
	Novice-CW/Data	28.100-28.300	28.050-28.300 +50	28.050-28.300 +50
	Novice-Phone	28.300-28.500	28.300-28.500 +0	28.300-28.500 +0 29.000-29.700 +700

Notes: ARRL suggests the beginning class be known as “Novice.” The NCVEC recommends “Communicator” so as not to confuse the old and new Novice Classes.

IV. Qualifying examination system rules.

Of specific interest to the VE/VEC community were paragraphs 91 through 93 of WT Docket No. 04-140:

Paragraph 91.

The Commission has proposed to eliminate the requirement that a public announcement of VE team test locations and exam times be made⁶. FCC believes that adequate announcement is already on club and VEC websites, in newsletters, and in other media. Public announcements could still be made; they just would not be required by the FCC.

NCVEC position:

The NCVEC support this proposal.

Paragraph 92.

Since there are no unexpired Technician Class licenses granted before February 14, 1991, the FCC has proposed to require that VEs give examination credit for the telegraphy examination element to an examinee who holds a Technician Class license document granted after February 14, 1991, and who has documentation showing they have passed a telegraphy examination element.

A new FCC rule (Section 97.505(a)(9))⁷ reads:

- (9) An expired FCC-issued Technician Class license document granted before February 14, 1991: Element 1.

The NCVEC suggest that this rule be amended to read:

- (9) Evidence of having held an FCC-issued Technician Class license (now expired) granted before February 14, 1991: Element 1.

A new FCC-proposed rule (Section 97.505(a)(10))⁸ would read:

- (10) An expired FCC-issued Technician Class license document and a CSCE indicating the examinee has passed a telegraphy examination: Element 1.

The NCVEC suggest that this rule be amended to read:

- (10) Evidence of having held an FCC-issued Technician Class license (now expired) and a CSCE indicating the examinee has passed a telegraphy examination: Element 1.

NCVEC position on granting telegraphy exam credit:

The NCVEC support giving Element 1 credit to anyone who presents evidence of having passed a telegraphy examination before FCC or VEC System examiners. This includes General, Advanced and Amateur Extra Class licensees. At present, a previous General, Advanced or

⁶ See Section 97.509(a).

⁷ WT Docket No. 04-140, Appendix C, page 70.

⁸ WT Docket No. 04-140, Appendix A, page 57.

Amateur Extra Class amateur with an expired license (who has not held a Novice or Technician license) is unfairly not given credit for Element 1.

An additional new rule should read:

- (11) Evidence of having held an FCC-issued General, Advanced or Amateur Extra Class license (now expired): Element 1.

Paragraph 93.a.

The FCC has proposed to eliminate the mandated ten-day time during which VEs and VECs must submit or forward applications. The VECs file applications electronically with the Commission and the rules require that they do so. The FCC believes that a rule mandating a ten-day submission time is unnecessary in light of the current rules and actual practices in the VEC system.

NCVEC position.

The NCVEC⁹ support this change. Section 97.509(m) would be deleted from the rules. The words “Within 10 days of collection” would be deleted from Section 97.519(b).

Paragraph 93.b.

The FCC also requested comment regarding whether there are other unnecessary rules applicable to the Amateur Service qualifying examination system that should be eliminated, or amended to conform with actual practices in the examination system.

NCVEC recommendations:

(1.) It is somewhat difficult and a burden on volunteer examiners to develop 5 words-per-minute telegraphy examinations “using all the letters of the alphabet, numerals 0-9, period, comma, question mark, slant bar and prosigns AR, BT and SK.” A 5 minute examination at 25 characters per minute requires about 125 characters and it is similar to solving a puzzle to use all 43 characters at least once.

Suggest that Section 97.503(a) be amended from “using all the” to “using most”. This appears to not be controversial among most VECs¹⁰ in view of the NCVEC stated position (in RM-10787) that all telegraphy exams should be eliminated and the total elimination of Morse examinations by many administrations around the world.

⁹ One VEC (CAVEC, Huntsville, AL) questioned whether Sections 97.509(m) and 97.519(b) should be changed since the existing rule adds importance to the requirement that VE teams expeditiously return successful applications to their VEC.

¹⁰ One VEC (W5YI-VEC, Dallas, TX) questioned whether Section 97.503(a) should be changed since development of Morse code exams to include all required characters was not a problem.

(2.) Many, perhaps most, licensees do not retain copies of old license documents, instead electing to retain only their current license. The NCVEC request amending the wording in Section 97.505 (a)(8&9) that requires an old license document to grant examination credit. The words: "Evidence of having held..." should be added to the beginning of Section 97.505(a)(8) and (9). Due to the inaccessibility of old FCC Amateur Service licensing records, all VECs currently accept "Callbook" entries and old databases¹¹ as evidence of having held a specific license grant.

We suggest that Section 97.505 be amended as follows:

§ 97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants, documents or evidence of having held an expired license:

- (8) Evidence of having held an FCC-issued Technician Class operator license (now expired) granted before March 21, 1987: Element 3.
- (9) Evidence of having held an FCC-issued Technician Class operator license (now expired) granted before February 14, 1991: Element 1.

Paragraph 71.

The FCC denied a *Petition for Rulemaking*¹² that would have permitted volunteer examiners (VEs) to provide instant operating authority to successful first-time amateur applicants. Prior to 1999, when Amateur Radio operator license applications were mailed to the FCC in Gettysburg, it frequently took many weeks (or months) for an applicant to receive an initial operator license. Due to electronic filing of applications, however, initial Amateur Radio licenses are now granted almost immediately negating the necessity for instant licensing. The NCVEC agree with the FCC decision in this matter.

Paragraph 78.

The FCC denied a *Petition for Rulemaking*¹³ that would upgrade Novice and Advanced Class radio amateurs to the next highest license class. The examination credit was to have been awarded based on being licensed twenty or more years without a serious rule violation. The NCVEC agree with the FCC decision in view of our and other recent petitions¹⁴ (not yet acted on

¹¹ The *Radioamateurs Callbook*, published annually for more than 50 years, contains FCC licensing records by callsign and license class. QRZ.com also has a copy an old FCC database online which can be used in many cases to verify when an applicant held a specific Amateur Service license.

¹² See *Petition for Rulemaking*, "Amendment of Part 97 to Allow Instant Temporary Licensing," filed December 4, 2002, by Dale E. Reich, K8AD.

¹³ See RM-10620, filed March 13, 2003, by Dale E. Reich, K8AD.

¹⁴ See RM-10867 (NCVEC, March 4, 2004) and RM-10870 (ARRL, March 18, 2004.)

by the FCC) to consolidate these levels into other existing classes.

Paragraph 100.

The FCC has revised Section 97.507(a)(2)¹⁵ without requesting or requiring comment to conform with Section 4 of the *Communications Act* which requires the preparation of an examination by an amateur who holds a higher class of operator license. Therefore Elements 1 and 2 may only be prepared by Amateur Extra, Advanced and General Class operators. The NCVEC agree with this amendment.

Respectfully submitted:
National Conference of VECs

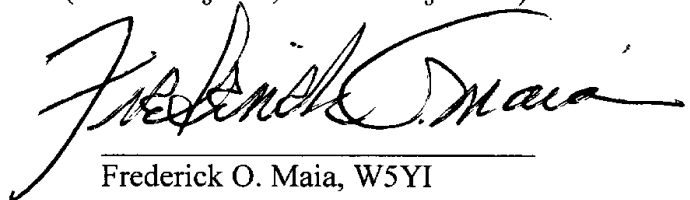


Frederick O. Maia, W5YI
Chairman, NCVEC Rules Committee

June 15, 2004

CERTIFICATE OF SERVICE:

The American Radio Relay League submitted RM-10413 and RM-10867, both of which are addressed in WT Docket No. WT 04-140. On June 15, 2004, the NCVEC mailed this document to ARRL General Counsel Christopher D. Imlay, W3KD, of Booth, Freret, Imlay & Tepper, P.C., 14356 Cape May Road, Silver Spring, MD 20904-6011 as required by Section §1.47(d) and §1.405(a) of the Commission's Rules (47 C.F.R. §1.47, 47 C.F.R. §1.405.)



Frederick O. Maia, W5YI

¹⁵ WT Docket No. 04-140, Appendix C, page 71.